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5   **UNITED STATES DISTRICT COURT**

6   **DISTRICT OF NEVADA**

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8   SERGEY MKHITARYAN,   Case No. 2:20-cv-02169-JAD-NJK

      Plaintiff(s),

9   **Order**

      v.

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      LAS VEGAS METROPOLITAN POLICE

11   DEPARTMENT, et al.,

12   Defendant(s).

13   Based on substantial questions as to Plaintiff's competency, the Court has endeavored to

14   find him counsel to protect his interests in this case. *See* Docket No. 14; *see also* Docket Nos. 22,

15   25. Those efforts were initially directed to the two attorneys representing Plaintiff in his criminal

16   proceedings in state court, then more broadly to attorneys who may be available through the

17   Court's Pro Bono Program. Those efforts have been unfruitful.[1]

18   The Court finds it appropriate to require Plaintiff to file a status report as to his ability to

19   litigate this case. *Cf. Davis v. Walker*, 745 F.3d 1303, 1311 (9th Cir. 2014) (indicating that the

20   Court may set "periodic case management conferences" to reassess the plaintiff's competency or

21   inquire as to whether the plaintiff has had success in searching for a guardian). In particular, the

22   record has indicated that there is a "substantial probability that [Plaintiff] will attain competency

23   to stand trial in the foreseeable future." Docket No. 12-1 at 2. As that finding was made six

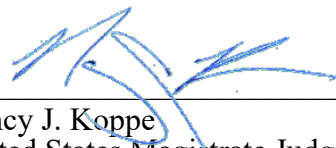24   months ago, it may be that Plaintiff has now attained competency.

25   Accordingly, the Court hereby **ORDERS** Plaintiff to file a status report by <u>April 18, 2022</u>.

26   The status report must indicate whether any additional rulings have been made in relation to

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28   [1] The Court received word recently through the Pro Bono Program that the process had run its course without success.

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Plaintiff's state court proceedings (or by any other tribunal) as to Plaintiff attaining competency. To the extent Plaintiff has tried to find representation in this case (from a lawyer or a guardian), the status report must identify any such efforts. Lastly, the status report must indicate whether Plaintiff is able to afford to pay for counsel in this case.

 IT IS SO ORDERED.

 Dated: March 17, 2022

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Nancy J. Koppe
United States Magistrate Judge

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